COLERAIN
TOWNSHIP ~ OHIO

COLERAIN TOWNSHIP BOARD OF ZONING APPEALS
Meeting Minutes
4200 Springdale Road - Cincinnati, Ohio 45251

Wednesday, January 25th, 2023 – 6:30 p.m.

Meeting Called to Order by: Mr. Roberto at 6:30 p.m.

Pledge of Allegiance: Led by: Mr. Roberto.

The Explanation of Procedures was presented by: Mr. Roberto.

Roll Call: Ms. Owens – aye; Mr. Bartolt – aye, – Mr. Schupp – aye, Mr. Sidow – aye, Mr. Roberto – aye.

Present as Staff was: Mr. Stephen Springsteen and Mr. Jarrod Alig.

Present as Legal Staff was: Mr. Scott Sollman

Swearing In: Mr. Sollman swore in the appellants, attorneys, and all speakers in the cases.

Hearing of Appeals:

BZA2022-18 The applicant who is representing the property owner, is requesting; a variance to §15.9.1 (C) & (D);

Location: 9024 Colerain Avenue.
Applicant: Commercial Site Acquisitions, Inc. c/o Casto.
Property Owner: McClusky Chevrolet, Inc.

Mr. Roberto introduced the case.

Presentation was provided by Staff. Staff noted the current zoning, topography, and surrounding conditions. Staff displayed the site plan and described the reason the variances were being sought based upon the proposed site plan.

Staff described the relevant Colerain Township Zoning Resolution Articles, Sections, and definitions

Staff outlined the criteria for zoning variances as stated in the Colerain Township Zoning Resolution.

Staff's Recommendation was for: **TABLING.**
This Concluded Staff's Presentation.

At this time, Mr. Sollman administered the oaths of office Mr. Sidow, Mr. DeMoss, and Mr. Roberto.

Mr. Bartolt asked staff for clarification around §15.9.1 (D), specifically about the off-premise sign being classified as a business. Mr. Springsteen stated that the off-premise sign would take the place of a business and become the primary use of the property, there could not be a business and an off-premise sign allowed on the same lot.

APPLICANT PRESENTATION:

> Dan Leathery, 250 Civic Center Drive, Suite 500, Columbus, Ohio 43215, gave a presentation and submitted the updated justification letter to the Board as evidence.

Mr. Roberto asked if anyone else was present to speak in favor, or in opposition. Mr. Bartolt made a motion to close the public portion; Ms. Owens seconded the motion.

> **Roll Call:** Ms. Owens – aye; Mr. Bartolt – aye, Mr. Schupp – aye,
> Mr. Sidow – aye, Mr. Roberto – aye
>
> Motion to close the public portion passed unanimously

Mr. Sidow asked the applicant how the proposed Valvoline location affected other Colerain Valvoline location. Mr. ***Leathery*** responded that the proposed location will be an additional location and separate from the existing location.

Mr. Bartolt asked the applicant which monument sign referenced in the justification letter was the sign which was modified and limited. Mr. Leathery responded monument sign which is located close to the plastic dividers in the road where left turn access has been restricted. Mr. Bartolt asked if there was a left turn into Valvoline when traveling southbound on Colerain. Mr. Springsteen stated that the proposed location is a right turn in, right turn out only. Mr. Alig stated that Mr. Bartolt was correct. Mr. Bartolt asked if this additional signage would not help the southbound traffic. Mr. Alig stated he could not see how it would help. Mr. Bartolt continued that he did not see how that helps with the hardship and he found it odd that Target would need 4 signs. Mr. Bartolt asked the applicant if Valvoline would continue with the project regardless of the decision of the Board's decision at the meeting. Mr. Leathery shared that the intent is to construct the signed as designed, whether that be with one panel or two. He continued that having additional signage indicating a access point continues to be important in the retail world. Mr. Bartolt stated he didn't see how this additional access point helps given the many available access points for Target at that location currently.

Mr. Bartolt asked staff about the recommendations with conditions that the Board was offered. Mr. Alig stated that if the Board were to hear the case, then those recommendations could be used at the Board's discretion. Mr. Bartolt stated he had questions about some of the recommendations and asked if staff could explain those to the Board. Mr. Alig shared that it would be better to discuss if the Board has decided against tabling the case, but if the Board would like for staff to discuss those now he would be happy to explain those recommendations. Mr. Springsteen shared that a separate presentation has been prepared in the case that the Board would elect to hear the case as opposed to tabling the case. Mr. Alig stated that there would be a lot of information that the Board would hear for the first time tonight, including much of a 20 year history associated with this property. Mr. Roberto shared that perhaps after his set of questions the Board can entertain whether to hear this additional information.

Mr. Roberto asked the applicant if all of the hardships presented in the letter were for Target and not the property in question. Mr. Leathery stated he could not speak on Target's behalf. Mr. Roberto stated that he is trying to understand the justification letter and why Target would get to encroach on Valvoline's signage. Mr. Leathery stated that they are seen as sharing customers and this improvement would help with traffic alleviation. Mr. Roberto stated that there was an access road that connected developments in Colerain previously and that signage was not needed for people to utilize it, access roads don't need to be advertised because people find them whether they are supposed to or not. Mr. Roberto stated he did not see any hardship for the applicant or Valvoline, to which he asked the applicant if there was strong-arming happening or is there monetary benefit to Valvoline to give Target that additional signage. Mr. Leathery stated that this is apart of a private party exchange to receive documentation of the access point located on the eastern portion of 9024 Colerain Ave. Mr. Roberto shared that it could cause confusion because when a user turns into Valvoline they may not understand if they are turning into Valvoline or Target.

Mr. Alig asked if he could make two points if it was appropriate, Mr. Roberto agreed. Mr. Alig stated that the precedent reference by the applicant was for a pre-existing non-conforming sign where it went from a 4 panel sign to a 2 panel sign which lessened the intensity of the use which would not make it a precedent for the case at hand. Mr. Alig also shared the Zoning Certificate issued for 9024 Colerain Ave for a driveway. He continued that if the applicant argues that this is a single development, which it is not by Township standards, then there should not be a need for an easement. Mr. Alig additionally noted that there is no precedent set for off-premise signage outside of the pre-existing non-conforming sign lessening the intensity of the sign.

Mr. Bartolt asked if the motion would be to table or not table. Mr. Roberto stated that motion could be for whatever the Board would want.

Mr. Bartolt made a motion to deny BZA2022-18; Mr. Sidow seconded.

Mr. Roberto asked if any Board members had any discussion on the matter. Hearing no requests for discussion, Mr. Roberto asked for a Roll Call vote.

Roll Call: Ms. Owens – nay; Mr. Bartolt – aye, Mr. Schupp – aye, Mr. Sidow – aye, Mr. Roberto – aye

BZA2022-18 –Request for a variance from §15.9.1 (C) & (D) was DENIED 4-1.

Approval of the Minutes:

October 26th, 2022, Minutes:

Mr. Roberto asked a motion to be made to approve the minutes from October 26th, 2022.

Mr. Schupp made a motion to approve, seconded by Mr. Bartolt.

Mr. Roberto requested a Roll Call vote.

Roll Call: Ms. Owens – aye; Mr. Bartolt – aye, Mr. Schupp – aye, Mr. Wilson – aye, Mr. Roberto – aye

Mr. Roberto asked if there was a meeting in February. Mr. Springsteen stated that the organizational meeting will take place in February per the BZA bylaws. He continued that in order to change the organization meeting month, the bylaws would need to be amended.

Administrative Matters:

None.

Adjournment:

A motion was made by Mr. Schupp, and seconded by Ms. Owens, to adjourn the meeting at approximately 7:04 P.M.

Roll Call: Ms. Owens – aye; Mr. Bartolt – aye, Mr. Schupp – aye, Mr. Wilson – aye, Mr. Roberto – aye

Meeting adjourned.

Respectfully Submitted:

Stephen Springsteen, Development Officer

Secretary:

Mark Schupp, Secretary

Accepted by:

Ronald J. Roberto, Chairperson